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C O N F I D E N T I A L SECTION 01 OF 03 ADDIS ABABA 000838

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SUBJECT: ETHIOPIA: CIVIL SOCIETY LEADERS TO BE PARDONED

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Classified By: CHARGE DEBORAH MALAC. REASON 1.4 (D).

11. (C) SUMMARY: After nearly two and half years in prison, civil society leaders Daniel Bekele and Netsanet Demissie, the final two political prisoners from the Coalition for Unity and Democracy (CUD) trial, are set to be granted a pardon and released from prison. Though they are now only about one month from completing their full sentences, a looming appeal by the prosecution - and, behind that, the reluctance by the GoE to release them - would've meant that they probably faced a longer stay in prison beyond their original sentences. However, following months of private pressure from Post and others in the diplomatic community, coupled with mediation from the Ethiopian Elders, the GoE finally softened its stance. In a brokered deal much like that of the CUD leaders released on pardon last summer, Daniel and Netsanet were offered pardon in exchange for signing an apology letter to the Prime Minister. Though they refused such a settlement last summer, now having now nearly exhausted their legal options and, more importantly, seeing the writing on the wall telling them that the GoE would not relent otherwise, they gave in, saying they will "sign anything that gets us out of prison." They signed the apology letter on March 24, which was approved by the Prime Minister on March 25. The pardon appeal then underwent the rubber stamp process of being heard and approved by the pardon board and now awaits signature by the President. With this scheduled for March 28, Daniel and Netsanet will likely be released from prison by the weekend, thus bringing to an end the long saga of the CUD political trial. END SUMMARY.

NO LIGHT AT THE END OF THE TUNNEL?

12. (C) Three months after having been found guilty of "Provocation to Commit Crimes Against the State," and sentenced to two years and six months in prison (ref A), civil society leaders Daniel Bekele and Netsanet Demissie were still in prison, despite having already served nearly their full term in prison and being eligible for parole. In nearly all cases, once a prisoner has served two-thirds of his or her prison, parole is granted and the prisoner

released. However, parole for Daniel and Netsanet was never considered by the prison commission. There were differing reports and opinions on the reason for Daniel and Netsanet's continued incarceration. Many in the international community were suspicious that the unusual length of the prison sentence was deliberate, with the intention of keeping Daniel and Netsanet, civil society's most vocal leaders in the 2005 election, in prison through the local elections (scheduled for April 13 and 20). Professor Ephraim, the leader of the Ethiopian Elder group responsible for the release of the CUD prisoners, blamed the public outcry following the guilty verdict on December 24. Following meetings with the Prime Minister, he relayed to Ambassador and Poloffs that the GoE was livid with the criticism raised by international NGOs and the media following the verdict, and were taking this out on Daniel and Netsanet by keeping them in prison. Pastor Daniel Gebreselasie, perhaps the most unbiased and widely-connected of the Ethiopian Elders, told Poloff that ultimately it was the anger and dislike for Daniel and Netsanet by the "people behind the screen" - Pastor Dan's colloquialism for the influential Tigrayan Peoples' Liberation Front (TPLF) hardliners - that were keeping them in jail.

¶13. (C) Regardless of the reason for Daniel and Netsanet's continued imprisonment, their court case faced an uncertain conclusion. Both the prosecution and defense had submitted appeals to the Supreme Court. The prosecution was appealing the decision by the High Court to convict Daniel and Netsanet on a lesser charge, rather than the "Outrages Against the Constitution" that had been filed against them. The defense was, of course, appealing the guilty verdict. The looming Supreme Court hearings - the defense's on March 25 and the prosecution's on April 3 - undoubtedly hastened the negotiations being brokered by the Ethiopian elders. By the time the defense's appeal hearing was heard on March 25, Daniel and Netsanet had already committed to doing whatever

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is necessary to secure their release, and the Elders intervened to urge the GoE to delay any court decisions. Indeed, the March 25 session was inconclusive, with the Supreme Court bench deciding that "the prosecution and defense appeals should be heard on the same day," adjourning the joint session for April 3.

ELDERS TO THE RESCUE AGAIN

¶14. (C) Just when it seemed that Daniel and Netsanet were doomed to a long stay in prison while the appeals worked their way through the judicial system, the GoE did an about-face, suddenly showing willingness to reach a settlement. As with the initial reason for their stay in prison, opinions varied on the reason for the GoE's sudden desire to bring the situation to close. Ephraim had requested from the diplomatic community to maintain "public silence" and urge NGOs to do the same. He indicated that that public silence, while the Elders pressured privately, led to the change of heart. The international community believed that with the local elections all but wrapped up in favor of the ruling Ethiopian Peoples Revolutionary Democratic Front (EPRDF) coalition, there was no threat to releasing them now. Pastor Dan again pointed to the "people behind the screen," telling Poloff that he was summoned by them on March 7 and instructed to find a way to reach a negotiated conclusion.

¶15. (C) Again, all of these factors likely played some role. However, Pastor Dan's March 7 meeting set off an extended shuttle diplomacy, with Pastor Dan visiting Daniel and Netsanet in prison and the hardliners on numerous occasions. In the meantime, Ephraim was in constant contact with Prime Minister Meles to elicit his support for an Elders drafted text for Daniel and Netsanet to sign. The statement, touching on the Prime Minister's required language, says that

they: 1) accept the High Court's decision; 2) apologize for their actions; and 3) promise not to engage in illegal activities in the future. Though last summer they had been adamantly against signing an apology (ref B), insisting that they did nothing wrong and that they should see the legal process through, Daniel and Netsanet finally relented, not indicating that that they will "sign anything that gets us out of jail." They did so on March 24.

¶6. (C) On March 25, the Prime Minister and the "people behind the screen" gave their approval for the statement. A hastily convened pardon board meeting, chaired by the Minister of Justice, rubber stamped a pardon on March 27. The President must now sign to make it official, and is expected to do so on March 28. Barring any other last minute bureaucratic hurdles, Daniel and Netsanet are likely to be freed on March ¶29.

COMMENT: GOE WINS SHOW DOWN WITH CIVIL SOCIETY

¶7. (C) The continued incarceration of Daniel Bekele and Netsanet Demissie, two of Ethiopia's most influential civil society leaders, was a thorn in the GoE's relations with many in the international community. Though simply releasing them on the basis of the very standard parole procedure was seemingly the easiest way for the GoE to avoid criticism from foreign governments, international NGOs and the media, they refused to do so for several months. This was testimony to the tremendous threat that the GoE perceives Daniel and Netsanet to pose. They had been the ring leaders in civil society's push for transparency, both before and after the 2005 elections. Since their arrest in November 2005, civil society has been largely cowed and has been silent in the run-up to the local elections in April. Whether keeping them in prison to prevent any problems in the local elections - which the EPRDF has already mostly sewn up - or to "teach civil society a lesson," as Pastor Dan claims, it appeared that Daniel and Netsanet were going to face a long prison sentence. However, much as they did with the GoE and CUD leaders last summer, the Elders were able to talk both sides down from their principled stands. Though not the most noble of solutions, both sides can now move on. The government

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will have a statement that they can use to put Daniel and Netsanet back in prison, if deemed necessary in the future, while Daniel and Netsanet plan to put Ethiopia behind them, as they plan to move to the UK to continue their legal studies.

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